

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KULP MINERALS, LLC,

Plaintiff,

v.

Civ. No. 2:23-408 KG/KRS

APACHE CORPORATION,

Defendant.

REVISED AMENDED SCHEDULING ORDER (DOC. 49)

THIS MATTER comes before the Court *sua sponte* following a ruling by the presiding trial judge on [40] Defendant Apache Corporations' Motion for Partial Summary Judgment, entered on March 27, 2025. *See* (Doc. 88).

The current Amended Scheduling Order (Doc. 49) does not set a specific date for the deadlines covered by that Order, but instead begins with an open-ended date tied to a future event, and then specifies a number of days following the happening of the open-ended event for the first deadline with the deadline for each event thereafter set by reference to a specified number of days after the immediately preceding deadline. *See* (Doc. 49). The open-ended date tied to a future event that initiates all of the deadlines is "a ruling on Dkt. Nos. 40-42." *Id.* That date is now fixed on March 27, 2025, when the presiding trial judge issued a ruling on Dkt. No. 40.¹ Accordingly, to clarify the deadlines in this case going forward, the Court now calculates the specific dates set forth in the Amended Scheduling Order, Doc. 49, as follows:

¹ The other two motions --[41] Defendant Apache Corporation's Motion For Protective Order And For A Partial Stay of Discovery Pending Resolution Of Dispositive Motion; and [42] Plaintiff's Motion To Compel Deposition Testimony And Document Production--were ruled on by the undersigned in a single order entered on September 5, 2024. *See* (Doc. 71).

<u>Event</u>	<u>Current Amended Scheduling Order Deadlines (Doc. 49)</u>	<u>Revised Amended Scheduling Order Deadlines</u>
(a) Deadline for Plaintiff to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15	No amendment	No amendment
(b) Deadline for Defendant to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15	No amendment	No amendment
(c) Deadline for Class Certification Non-Expert Discovery	Three months [90 days] after a ruling on Dkt. Nos. 40-42	June 25, 2025
(d) Deadline for Class Certification Fact Discovery Motions		July 9, 2025
(e) Deadline for Plaintiff's class certification expert reports ²	Thirty days after class certification discovery closes.	July 18, 2025
(f) Deadline for Defendant's class certification expert reports	Forty-five days after Plaintiff serves expert reports	September 2, 2025
(g) Deadline for Plaintiff's rebuttal/reply class certification expert reports	Forty-five days after Defendant serves expert reports	October 17, 2025
(h) Deadline for class certification expert discovery		November 3, 2025

² The parties must have their experts ready to be deposed at the time they identify them and produce their reports, and must provide two (2) proposed deposition dates for each expert that are within thirty (30) days of the disclosures.

(j) Deadline for class certification expert discovery motions		November 10, 2025
(k) Deadline for Plaintiff to file Motion for Class Certification	Thirty days after Plaintiff's reply reports	November 17, 2025
(l) Response to Motion for Class Certification	Due within thirty (30) days from Motion	December 17, 2025
(m) Reply to Motion for Class Certification	Due within twenty-one (21) days from response	January 7, 2026

Following a decision on Plaintiff's motion for class certification, the Court will schedule a status conference for entry of a new scheduling order to control the remainder of the litigation, including expert disclosures for trial, dispositive motions, pretrial, and trial deadlines.

IT IS SO ORDERED this 31st day of March, 2025.


 KEVIN R. SWEAZEA
 UNITED STATES MAGISTRATE JUDGE